

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8732 OF 2006

Office Notes, Office
Memoranda of Coram,
appearance, Court's
orders or directions
and Registrar's orders

Court's or Judge's
orders

Mr. H.P. Pandey for petitioner.

CORAM: B.H. MARLAPALLE, J.

26/04/2007.

P.C.:

. R.A.E. Suit No. 2441 of 1988
was dismissed by the learned Judge of
the Small Causes Court at Mumbai by
judgment and order dated 21/12/2002.
Being aggrieved by the said dismissal
order, the plaintiff filed Appeal No.
557 of 2003 before the Division Bench
of the same Court. The said Appeal
was dismissed by the lower Appellate
Court vide its judgment and order
dated 26/7/2006.

. The petitioner, therefore, has
a statutory remedy of filing a Civil
Revision Application under Section
115 of C.P.C. and as held by me in
Writ Petition No. 4138 of 2006 vide

the order dated 24/8/2006. When such a statutory remedy is available, a Writ Petition under Article 227 of the Constitution need not be entertained.

. Hence, the Writ Petition is disposed as such with liberty to the petitioner to file a Civil Revision Application and if such an application is filed within a period of four weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Annexures be returned, if applied for.

(B.H. Marlapalle, J.)